

**U.S. Pat. Appl. Ser. No. 10/088,146
Attorney Docket No. 10191/2215
Reply to Final Office Action of May 25, 2005**

REMARKS

Claims 30 to 73 are now pending.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicants respectfully requests reconsideration of the present application in view of this response.

It is respectfully requested that the Examiner acknowledge whether the Drawings are acceptable.

With respect to paragraph five (5), claims 30 to 73 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,609,003 (the “Park et al.” reference).

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102, the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

Claim 30 as presented relates to a method of transmitting signaling information between a transmitting station and a receiving station and has been amended herein without prejudice to clarify that it provides for transmitting from the transmitting station to the receiving station a message that includes “information regarding whether data to be sent is processed in an additional transmitting station,” *instead of* in the transmitting station.

Claim 47 as presented relates to a receiving station and provides for “a first evaluation arrangement configured to analyze a first message from a transmitting station to determine whether data to be sent to the receiving station from one of the transmitting station and an additional transmitting station successively assigned to the receiving station has been processed by one of the transmitting station and the additional transmitting station.” Claim 47 has been rewritten herein without prejudice to clarify that “the first message includes information regarding whether data to be sent is processed by the additional transmitting station,” and therefore not by the transmitting station.

Claim 53 as presented relates to a transmitting station and has been rewritten herein without prejudice to clarify that it provides for “a message generation arrangement

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configured to generate a first message including information regarding whether data to be sent is processed in an additional transmitting station,” and therefore not in the transmitting station.

Claim 61 as presented related to a method of transmitting a message element from a transmitting station to a receiving station and has been amended herein without prejudice to clarify that it provides for “transmitting information . . . regarding whether data to be sent is processed by an additional transmitting station,” and therefore not in the transmitting station.

While the “Park et al.” reference may refer to transmitting a handoff confirmation by base stations (BS#A and BS#B) in response to a handoff request by a mobile station (MS), the confirmation does not disclose or suggest the transmission by a transmitting station of information regarding whether data to be processed will be processed in an additional transmitting station (instead of in or by the transmitting station). Rather, subsequent to the handoff confirmation, data is transmitted by both the BS#A and the BS#B. *The MS thereafter decides* whether to continue receiving signals from the BS#A or to receive future signals from BS#B. (See col. 2, lines 43 to 52, and col. 10, lines 30 to 39).

Thus, the “Park et al.” reference does not identically disclose (or even suggest) each feature of claims 30, 47, 53, and 61, so that it does not anticipate claims 30, 47, 53, and 61.

Claim 66 as presented relates to a method of transmitting a message element and provides for “transmitting information with the message element regarding [which one or] which ones of at least one type of processing of signals to be sent are supported [by transmitting stations] . . . to increase a reception quality.”

The Office Action asserts that the “Park et al.” reference discloses all of the features provided for in claim 66, but does not address the quoted language provided for in claim 66. Indeed, it is respectfully submitted that the “Park et al.” reference does not disclose (or even suggest) the feature of transmitting from a transmitting station to a receiving station information regarding which one of processing of signals or which ones of at least one type of processing of signals are supported by the transmitting station or by an additional transmitting station.

Thus, the “Park et al.” reference does not identically disclose (or even suggest) each feature of claim 66, so that it does not anticipate claim 66.

Claim 70 as presented relates to a method of transmitting a message element and provides for “transmitting information with the message element regarding which types of processing of signals to be sent . . . are supported” by a receiving station.

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The Office Action asserts that Figs. 5A, 5B, elements BS#A, BS#B, and MS of the “Park et al.” reference, and their descriptions disclose transmitting from a receiving station to a transmission station information regarding which types of processing of signals to be sent by a transmitting station or an additional transmitting station are supported by the receiving station. However, while BS#A and BS#B may refer to transmitting base stations, while MS may refer to a receiving station, and while the corresponding description may refer to TSTD stations and non-TSTD stations, any review of these figures, elements, and sections of the “Park et al.” reference makes plain that the “Park et al.” reference makes no mention of or reference to the feature of transmitting from a receiving station to a transmission station information regarding which types of processing of signals to be sent by a transmitting station or an additional transmitting station are supported by the receiving station.

Thus, the “Park et al.” reference does not identically disclose (or even suggest) each feature of claim 70, so that it does not anticipate claim 70.

Claims 31 to 46, and 50 ultimately depend from claim 30 and are therefore allowable for the same reasons as claim 30.

Claims 48, 49, 51, and 52 ultimately depend from claim 47 and are therefore allowable for the same reasons as claim 47.

Claims 54 to 60 ultimately depend from claim 53 and are therefore allowable for the same reasons as claim 53.

Claims 62 to 65 depend from claim 61 and are therefore allowable for the same reasons as claim 61.

Claims 67 to 69 depend from claim 66 and are therefore allowable for the same reasons as claim 66.

Claims 71 to 73 depend from claim 70 and are therefore allowable for the same reasons as claim 70.

Accordingly, claims 30 to 73 are allowable.

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Conclusion

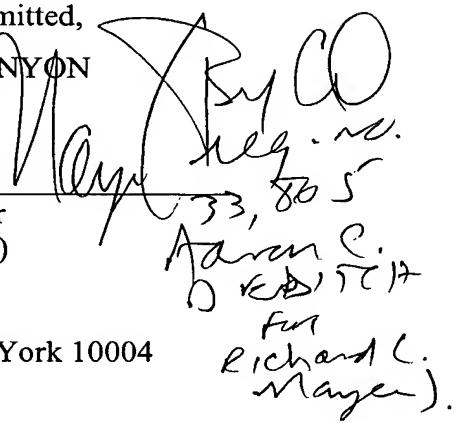
In view of the foregoing, it is believed that the rejections have been obviated, and that claims 30 to 73 are therefore allowable. It is therefore respectfully requested that the rejections be withdrawn, and that the present application issue as early as possible.

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Respectfully submitted,
KENYON & KENYON

By: 
Richard L. Mayer
(Reg. No. 22,490)

One Broadway
New York, New York 10004
(212) 425-7200


By CO Reg. no.
33,865
for
Richard L.
Mayer).

CUSTOMER NO. 26646